

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Benjamin N. Brown, Sr., :
Debtor. : Bankruptcy No. 17-11430-MDC

ORDER

AND NOW, David M. Offen (the “Applicant”) filed with the court an Application for Compensation and Reimbursement of Expenses dated December 1, 2017 (the “Application”).¹

AND, Benjamin N. Brown, Sr. (the “Debtor”) filed a Chapter 13 plan (“Plan”) which was confirmed on October 26, 2017.²

AND, this case involves the representation of a below-median debtor, *see generally* 11 U.S.C. §1325(b) (establishing different standards for measuring plan confirmability depending upon whether the debtor’s income is above median or below median); Official Form 22C (requiring less financial disclosure from below median debtors).

AND, the Applicant requests compensation in an amount that exceeds the amount that this Court was authorized to allow in chapter 13 cases involving below-median debtors pursuant to the L.B.R. 2016-2(a)(1) in effect at the time the Debtor’s Plan was confirmed.

AND, L.B.R. 2016-3 requires an application for compensation must include, among other things, a chronological description of each service performed, the time expended for each service and a list by type of the expenses for which reimbursement is sought. L.B.R. 2016-3(a)(1) & (2).

AND, the Applicant’s decision to file his Application subsequent to the amendment of the Local Bankruptcy Rules on December 1, 2017, raising the amount that the Court is authorized to allow in

¹ Bankr. Docket No. 37.

² Bankr. Docket No. 35.

chapter 13 cases involving below-median debtors, despite the confirmation of the plan months prior to the Rules amendment, raises serious concerns for the Court.

It is hereby **ORDERED** that a hearing shall be held on **April 12, 2018, at 11:30 a.m., in Bankruptcy Courtroom No. 2, Robert N.C. Nix Federal Building & Courthouse, 900 Market Street, 2nd Floor, Philadelphia, Pennsylvania** to determine whether the Applicant's request for compensation is governed by the Local Bankruptcy Rules in place at the time of the filing of the case.

Dated: March 29, 2018



MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

David M. Offen, Esquire
The Curtis Center
601 Walnut Street, Suite 160 West
Philadelphia, PA 19106

Jacqueline M. Chandler, Esquire
Office of the Chapter 13 Trustee
P.O. Box 40119
Philadelphia, PA 19106

William C. Miller, Esquire
Chapter 13 Trustee
1234 Market Street, Suite 1813
Philadelphia, PA 19107

United States Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107